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Attorneys for UBS AG, London Branch

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION

In re:

HVI CAT CANYON, INC.,

Debtor.

Case No. 9:19-bk-11573-MB

Chapter 11

**LIMITED EVIDENTIARY OBJECTIONS
TO DECLARATION OF ROSS SPENCE
IN SUPPORT OF DKT. NOS. 153 & 206
[DKT. 312]**

Hearing

Date: October 3, 2019

Time: 10:00 a.m.

Place: Courtroom 201

1415 State Street

Santa Barbara, California

UBS AG, London Branch ("UBS") objects to the *Declaration of Ross Spence In Support of Dkt. Nos. 153 & 206* [Docket No. 312] ("Spence Declaration") to the limited extent it purports to introduce into evidence the 2016 Reserve Report prepared by Netherland, Sewell & Associates,

1 Inc. (“NSAI”) that the Debtor relies upon in support of the Cash Collateral Motion. The 2016
2 Reserve Report is attached as an exhibit to the Cash Collateral Motion that Santa Barbara
3 opposes.

4 The 2016 Reserve Report is the subject of UBS’s *Motion in Limine*—filed while this case
5 was venued in the Southern District of New York [Docket No. 83]—and Evidentiary Objections
6 filed in this Court on September 26, 2019 [Docket No. 283]. As explained in the *Motion in*
7 *Limine* and the Evidentiary Objections, both of which are incorporated herein by reference, the
8 2016 Reserve Report is inadmissible hearsay for which no competent foundation has been laid by
9 any party in interest in this case.

10
11 Dated: October 1, 2019

Respectfully submitted,

O’MELVENY & MYERS LLP

/s/ Darren L. Patrick

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PROOF OF SERVICE OF DOCUMENT

I am over the age of eighteen and not a party to this bankruptcy case or adversary proceeding. My business address is **400 South Hope Street, Los Angeles, California 90071-2899**.

A true and correct copy of the foregoing document entitled **LIMITED EVIDENTIARY OBJECTIONS TO DECLARATION OF ROSS SPENCE IN SUPPORT OF DKT. NOS. 153 & 206 [DKT. 312]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):

Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) (“LBR”), the foregoing document will be served by the court via NEF and hyperlink to the document. On **10/1/2019**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

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II. SERVED BY OVERNIGHT FEDEX: On 10/1/2019, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR:

HVI Cat Canyon, Inc.
c/o Capitol Corporate Services, Inc.
36 S. 18th Avenue Suite D
Brighton, CO 80601

ATTORNEYS FOR DEBTOR:

Weltman & Moskowitz, LLP
Attn: Michael L. Moskowitz
270 Madison Ave., Ste. 1400
New York, NY 10016-0601

III. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 10/1/2019 I served the following person(s) and/or entity(ies) by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

JUDGE:

Hon. Martin R. Barash
United States Bankruptcy Court
Central District of California
21041 Burbank Boulevard, Suite 342 / Courtroom 303
Woodland Hills, CA 91367

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1st day of October, 2019, at Los Angeles, California.

/s/ Jan Wallis
Jan Wallis